IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.6128 OF 2005

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Mr. P.M. Patel, for the Petitioner
Mrs.M.Thakur, AGP for respondent No.1.
Mr. J.P. Cama, Senior Advocate for the respondent No.4 with Mr. Rahul L. Nerlekar.
Mr. A.D.Shetty for respondent No.5.
Mr. A.K. Jalisatgi for respondent No.6.
Mr. K.S. Bapat for respondent No.2.

CORAM : F.I. REBELLO &
DR.D.Y.CHANDRACHUD,JJ.
DATED : 22ND SEPTEMBER, 2005

P.C.

. Rule. Heard forthwith. The main relief as sought in the petition by the petitioner is the respondent No.2 be directed to scrutinise the complaint of the petitioner dated 24th February, 2005 at Exhibit "A" to the petition and adopt necessary action thereof in a time bound manner. On behalf of the respondents who have put in appearance, their learned Counsel submit that there is a Civil suit pending being S.C. Suit No..3323 of 2005 filed before the Bombay City Civil Court at Mumbai and in these circumstances the petitioner

should elect either to proceed under the provisions of the Trade Unions Act or in a Civil Suit and not both.

2. At this stage it is not necessary for us to decide the controversy considering the order to be passed. The application by the petitioner before the respondent No.2 is under Section 10 of the Trade Unions Act. Considering that, we direct the respondent No.2 to dispose of the representation, if need be, by giving a fresh hearing to all the parties. It is made clear that it will be open to the contesting respondents to raise all objections including the objection that the respondent No.2 cannot exercise jurisdiction because a Civil Suit is pending. We make it clear that we have not decided any issue on merits and all questions are left open in law before the respondent which he has to consider while disposing of the application under section 10 of the Trade Unions Act. Considering the controversy the respondent NO.2 is directed to dispose of the representation within three months from the date of first appearance of the parties before the respondent No.1on 7th October, 2005 at 3.00

p.m.

. With the above observations, petition disposed of accordingly.

(F.I. REBELLO, J.)

(DR. D.Y. CHANDRACHUD, J.)